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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,927	08/18/1999	MIKA GRONROOS	NC24590	7122

23990 7590 05/22/2002

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

EXAMINER

GESESSE, TILAHUN

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 05/22/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

91

Office Action Summary	Application No. 09/376,927	Applicant(s) GRONROOS, MIKA	
	Examiner Tilahun B Gesesse	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 18 August 1999.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____
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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-6,12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (us 6,272,332).

As to claims 1,12-15, Matsumoto et al disclose apparatus for a mobile terminal operable by a user in a radio communication system to communicate with a communication station by way of a communication path which includes a radio part (fig.4 and col.)

Matsumoto et al disclose at least one executable block of code executable by user at the mobile terminal (101), execution of said executable block of code generating at least an indication of performance success of the execution by the user of the ececutable block of code (col.31 line 60-col.32 line 67 and col.33 line 14 and fig.4)

Matsumoto et al do not specifically disclose detector and selected threshold. However, Matsumoto et al disclose detecting technique being processed by the controller and receiving data takes place upon the controller does the detecting technique as disclosed in figure 4 and it's disclosure. Furthermore, Matsumoto et al also disclose the transmitting the capacity of it memory to the server before data transmitted for display on the portable telephone 101 (col.26 lines 42-48 and col.29 lines 30-41). It would have been obvious to one of ordinary skill in the art at the time of invention was made to indicate the maximum data that the apparatus capable of processing and displaying and storing the game upon reception at the portable device.

Matsumoto et al do not specifically disclose the formatting the result at the apparatus of mobile terminal. However, Matsumoto et al disclose formatting sport informations takes place at the server (col.26 lines 66 – col.27 lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of invention was made to format the data to be transmit, in order to adapt the format the system in use.

As to claims 2-6, Matsumoto et al disclose a user interface having a user actuator actuable by the user, for executing the information received (fig. 4 #33 and col. 24 lines 18-35 and col.33 lines 21-30).

4. Claims 7-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al in view of Obhan (us 6,275,695).

As to claim 7-11 and 17, Matsumoto et al disclose everything as explained above except short messaging system. However , Obhan discloses short messaging system and special operation such as games, (col.16 lines 50-55).). It would have been

obvious to one of ordinary skill in the art at the time of invention was made to modify Matsumoto et al. the system as short messaging system , as disclosed by Obhan, for transmitting and receiving text messages utilizing the short messaging technique.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 16 and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al.

As to claim 16,18-20, Matsumoto et al disclose apparatus for an award server operable in a communication system to communicate with a mobile by way of a communication system to communicate with a mobile terminal by a way of communication path with includes a radio part (fig.7), said apparatus comprising:

Matsumoto et al disclose a result indication signal receiver coupled to receive indications of a result indication signal communicated to the award server by the mobile terminal "result" (col. 32 lines 35-47 and col. 30 lines 35-44 and fig.8).

Matsumoto et al disclose an award data base (301') having result data indexed together with a mobile terminal user identity(fig.8), said award database accessible at least responsive to receipt at said result indication signal receiver of the result-indication signal (col. 30 lines 45-69).

Matsumoto et al disclose a reward signal generator selectively operable responsive to data access from said award database, said reward signal generator (311) for generating a reward signal for communication to the mobile, the reward responsive at least alternately to one of the result-indication signal and values stored in said award database (fig.8 and its disclosure).

Specification

8. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Conclusion

9. ***Any response to this action should be mailed to:***

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

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*(703) 746-6042 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington,
VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Tilahun Gesesse whose telephone number is (703) 308-5873..

The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Edward F. Urban, can be reached on (703) 305-4385. The fax phone number for this
Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-4750.

TBG

May 15, 2002

*Tilahun Gesesse
Patent Examiner
Art Unit 2685*


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600